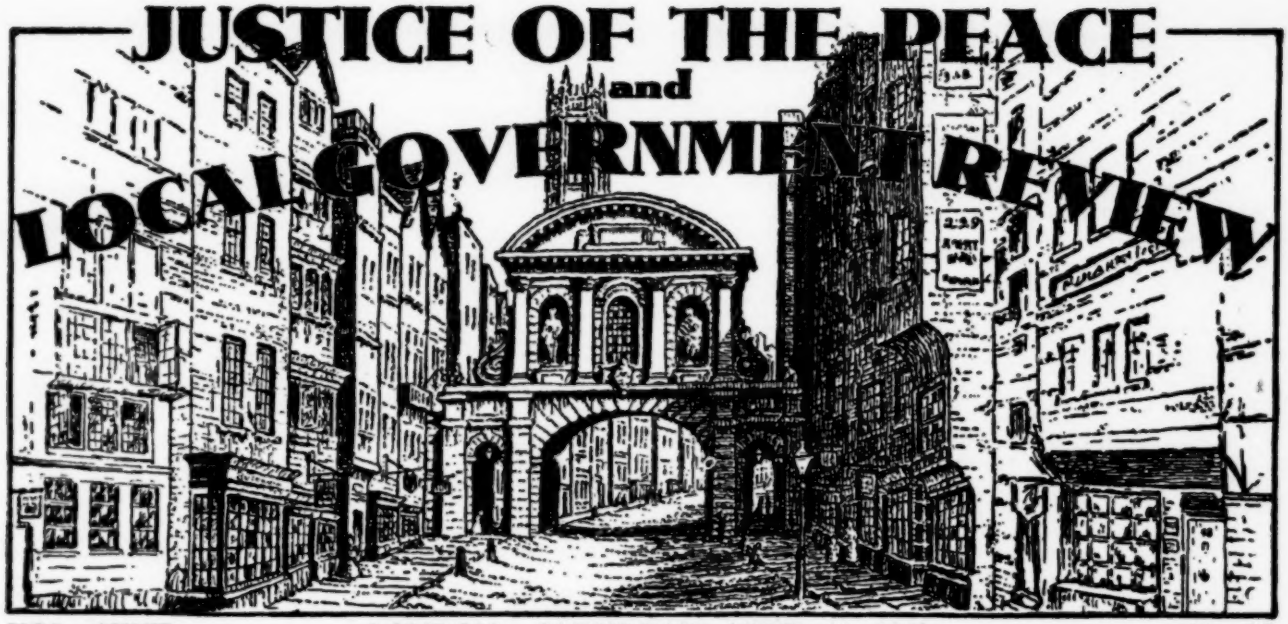

VOL. CXVII LONDON: SATURDAY, APRIL 11, 1953 No. 15

CONTENTS

REPORTS

Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra *Latest time for receipt* 10 *a.m. Thursday*

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note:* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

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JUSTICES' Clerk's First Assistant requires immediate change. All duties without supervision including the taking of Courts. Box No. C.10, Office of this Newspaper

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COMPLETE set of Dumsday's "Local Government Law and Legislation," 1899 to 1951 (57 volumes) *and* Public General Statutes (H.M.S.O. issue in red cloth binding) continuous from 1917/18 to 1951 (41 volumes). Inquiries to The Clerk, U.D.C., 36 Market Place, Warminster, Wilts.

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BEESTON AND STAPLEFORD URBAN DISTRICT COUNCIL

Assistant Solicitor

APPLICATIONS are invited for the established post of Assistant Solicitor. Salary—Grade VII, A.P.T. Division. Appointment subject to National Scheme of Conditions of Service.

Candidates should be competent conveyancers and advocates. Local Government experience desirable.

Applications, with names of three referees, should reach me not later than April 25, 1953.

H. D. JEFFRIES,
Clerk of the Council.

Town Hall,
Beeston,
Nottingham.

COUNTY OF KENT

Appointment of Probation Officers

THE Kent Probation Committee invites applications for the appointment of whole-time male Probation Officers to serve in the Kent Probation Area.

The appointments will be subject to the Probation Rules, 1949 to 1952, and the salaries will be in accordance with the scales provided in the Rules. The appointments are superannuable.

Applicants must be between the ages of twenty-three and forty, except in the case of serving officers, and must be qualified to deal with probation cases, matrimonial differences and other social work of the Courts.

The selected candidates will be required to pass a medical examination.

Applications, stating age, experience and educational qualifications, together with copies of not more than three recent testimonials, should be sent to the undersigned within fourteen days of the appearance of this advertisement.

W. L. PLATTS,
Clerk of the Peace.

County Hall,
Maidstone.

Amended Advertisement

HAMPSHIRE

APPLICATIONS are invited from solicitors with experience in Local Government work for two posts of Assistant Solicitor on the staff of the Clerk of the County Council at the undermentioned salaries (*a*) £1,150×£50—£1,400 and (*b*) £950×£50—£1,100. The commencing salary will be fixed in accordance with qualifications. Applicants are asked to state whether, in the event of their being unsuccessful in their application for appointment (*a*), they would wish to be considered for appointment (*b*).

The posts are pensionable and the appointments will be subject to the submission of satisfactory medical reports. In approved cases the County Council are prepared to assist newly appointed members of the staff to meet removal and other expenses.

Applications, giving full particulars of age, education and experience, together with the names of two persons to whom reference may be made, should reach the Clerk of the County Council, The Castle, Winchester, not later than the first post on Saturday, April 25.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

VOL. CXVII. No. 15 LONDON: SATURDAY, APRIL 11, 1953 Price 2s. 3d. (including Reports) Price 1s. 3d. (without Reports)

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NOTES of the WEEK

Sheffield Magistrates' Courts Committee

Magistrates' Courts Committees, established under the provisions of the Justices of the Peace Act, 1949, are now at work, some indeed having been established informally even before the coming into force of s. 16 of the Act. The report of the Magistrates' Courts Committee for the City of Sheffield for the year 1952 shows the kind of work that is being done by such committees and some of the effects of their establishment.

One change, taking effect from April 1, 1953, relates to court premises. For many years past the responsibility of heating, cleaning, maintaining, and generally supervising the Court House has been undertaken by the Chief Constable on behalf of the Watch Committee. Expenditure in this connexion now becomes the responsibility of the Magistrates' Courts Committee. As to this transfer the report states: "It tends to emphasize the essential separation of the Executive and the Judicial Authority. Nevertheless, the committee will, in fulfilling their duty act in the closest co-operation with the local authority."

A reference to assizes might not be expected in the report of a magistrates' courts committee but this report shows how it may be entirely relevant as a matter of considerable interest and importance to the justices:

"The Justices, as such, have no duties in relation to the establishment of Assize Courts at Sheffield but if Assizes are to be held in the Court House the Justices are concerned with the provision of accommodation for the Magistrates' Courts. The Committee have, therefore, had correspondence with the Local Authority on this matter and hope in the near future to meet representatives of the Local Authority to discuss the practicability of the suggestion that Assizes should be held at the Court House. The Committee desire, so far as it may be possible for them to do so, to facilitate the holding of Assizes in Sheffield, even at some inconvenience to the City justices."

That the committee has well in mind the matter of providing instruction for justices is shown by the list of addresses already given to the justices, or arranged for the future, the speakers being all distinguished in their several spheres.

Proof of Orders

Since an order made by justices under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1949, may be used as evidence in subsequent proceedings in the High Court, in accordance with s. 7 of the Matrimonial Causes Act, 1950, it is important that the documents supplied to parties by a magistrates' court should be in the correct form and properly authenticated. In *Hearn* v. *Hearn and Another* (1953) 215 L.T. 150, Davies, J., made observations which indicated what a clerk to justices ought to supply for this purpose.

There were in this case an interim order, a final maintenance order and an order of revocation, and apparently documents signed by the clerk which were not authenticated were produced in relation to the interim and maintenance orders, possibly because it was thought that only the revocation order would have to be used as evidence in the High Court proceedings for adultery. The learned judge said that when clerks were asked to supply copies of orders made under the Summary Jurisdiction (Separation and Maintenance) Acts they were under a duty to supply properly authenticated copies bearing the seal or stamp of the magistrates or justices or otherwise properly certified so as to show clearly their source and authenticity, and that it was improper to supply copies not so authenticated.

Exactly what was the nature of the documents to which exception was taken is not clear, but what is to be done in future is quite definite. Moreover, although r. 56 of the Magistrates' Courts Rules, 1952, which will come into force on June 1 makes a certified extract from the magistrates' court register purporting to be signed by the clerk admissible evidence of the proceedings in question for the purpose of any legal proceedings, it will still be necessary to produce authenticated copies of orders for the purposes of divorce court proceedings. The order contains more details than are usually entered in the court register, and should therefore be of more use to the court hearing a petition. It will be remembered also that r. 71 (3) of the Matrimonial Causes Rules, 1950, requires copies of the order to be among the documents to be filed with the notice of motion in connexion with an appeal to the High Court from a magistrates' court.

Notice of Intended Prosecution

The Oxford Times reports the dismissal of a case of alleged dangerous driving because notice of prosecution had not been served within fourteen days, in circumstances which raised the question of what is sufficient service. By s. 21 of the Road Traffic Act, 1930, the notice may be served by registered post.

For the defence it was stated that on the night when the incident occurred, the defendant went to the police station and made a statement, but nothing was said about a possible prosecution.

During the next week he called at the station and said he would be going to Belgium on the Saturday. The defendant, it was said, had at no time received notice of an intended prosecution, nor had he reason to suppose that an effort had been made to get a registered letter to him while he was abroad.

A police officer proved posting a registered letter to the defendant at his Oxford address within a week of the incident, the letter being returned more than a fortnight later.

It was submitted on behalf of the defendant that it was unlikely that a registered letter posted the day before the defendant went abroad would reach him before he left, and that as a matter of fairness he should have known that the charge was hanging over his head instead of being faced with it ten months later when he would be at a disadvantage in recalling what happened, and in collecting his evidence.

A High Court decision dealing with the service of notice was, *Holt* v. *Dyson* [1950] 2 All E.R. 840 in which notice was sent by registered post to the defendant's permanent residence eleven days after the alleged offence, when it was known that the defendant was seriously ill in hospital. It was held that as the police knew that the defendant was in hospital and would not be returning to her permanent address for some time, their sending the notice of intended prosecution by registered post to her permanent address three days before the period required by s. 21 (*c*) of the Act of 1930 had expired was not a compliance with the section.

Allowances to Justices : Regulations

With the coming into force on April 1 of s. 8 of the Justices of the Peace Act, 1949, the Justices' Allowances Regulations, 1953 (S.I. 435) also come into force. The Home Office has issued an explanatory circular dated March 19, No. 55/1953.

"Involuntary" Driver's Unsuccessful Appeal

We are indebted to a correspondent for information about a case of *Collyer* v. *Dring*, a decision as a case stated which was heard in the Divisional Court on January 22 last. We are informed that the facts were that a girl employed at a garage as an assistant got, without authority from her employers, into a motor vehicle which was standing in the forecourt of the garage, her intention being to drive the car into a more convenient position. By mistake she engaged the reverse gear and caused the car suddenly to proceed backwards on to the highway. We are not told whether serious inconvenience was thereby caused to anyone, but the girl was summoned for offences under ss. 4, 12 and 35 of the Road Traffic Act, 1930 (no licence, careless driving and no insurance). She was duly convicted by the local bench, who imposed small fines and disqualified her for driving for twelve months. She appealed unsuccessfully to quarter sessions, and quarter sessions duly stated a case for the opinion of the High Court. The defendant's contention was that as she had no intention of driving the vehicle on to the highway, but arrived there involuntarily, she was not driving the vehicle on the highway within the meaning of the Act or using it on a road within the meaning of s. 35.

We imagine that our readers will not be surprised to learn that this argument did not find favour with the learned judges before whom the case came. We are informed that they decided that there was no merit in the appeal and dismissed it with costs. Had the appeal been successful, it is not difficult to visualize attempts to use the decision to justify many curious defences in which drivers would have contended that their intentions were strictly proper, and it really was most unfortunate that, through lack of adequate skill on their part, an accident had occurred.

Somerset Estimates 1953/54

Somerset County Council is one of the few fortunate authorities able to maintain its precept at the same level for 1953/54 as for 1952/53 and the County Treasurer, Mr. F. J. Williams, F.S.A.A., must have submitted his estimates and the very useful accompanying report to the Finance Committee with more satisfaction than was felt by many of his professional brethren in other areas.

Although gross expenditure, which is estimated to reach in 1953/54 a total of £7,671,000, has increased by £365,000 it was possible to retain the total rate precept at 16*s.* 9*d.* because of estimated increased income (mainly in the shape of government grants) and by the appropriation from balances of £221,000, equal to a rate of 1*s.* 6½*d.* The current year is likely to close with an accretion to balances of £144,000 in excess of estimate due to Committee underspendings of £49,000 net, and to an increase in the Equalization Grant of £95,000 in excess of the estimated figure. Mr. Williams puts into his estimates the latest figure of Equalization Grant advised by the Ministry and because of the necessary delay in the Ministry's calculations this does mean in a period of rising expenditure the provision of a hidden reserve to be usefully employed in reducing or eliminating rate increases of subsequent years.

Somerset rateable value per head of weighted population is £5.0 as compared with the England and Wales average of £6.3, this deficiency earning Equalization Grant amounting to £871,000 equivalent to twenty-one *per cent.* of net expenditure. Capitation payments to county districts total £335,000 leaving £536,000 to reduce the county rate by 3*s.* 9*d.*

Estimated account balance in hand at March 31, 1954, is £330,000 but Mr. Williams emphasizes that less than half is represented by cash in hand and that it is insufficient to avoid payment of overdraft interest at certain periods of the year.

£135,000 of capital expenditure has been charged to revenue of which approximately £40,000 may fall on the rates. Included is £5,700 for reinstatement of the welfare hostel of Exmoor House after flood damage—a reminder of the disastrous events of last year. Education at £3,725,000 accounts for forty-nine *per cent.* of total expenditure, next comes Highways at £1,331,000 equal to seventeen *per cent.*, the other services being much smaller and none reaching a percentage in double figures.

There are 10,161 county council employees of whom 5,822 are in the education service.

Mr. Williams has included a number of useful diagrams in his report, including one we like particularly, comparing the expenditure of different years since 1938/39 adjusted for changes in the value of money.

Discounts on Building Contracts

The Standard Building Contract drawn up jointly by the Royal Institute of British Architects and the National Federation of Building Trades Employers contains a provision for the contractor to receive a cash discount in respect of certain prime cost items. The clause operates where the building owner, or the architect on the building owner's behalf, is entitled to nominate suppliers of certain components of the building. The general contractor is then bound, subject to a proviso to be mentioned in a moment, to order those components from the nominated suppliers. The contractor pays the suppliers' bill, and is reimbursed in due course by the building owner. It may happen that a particular supplier is prepared to give a discount, and the object of the clause in question is to ensure that the benefit of this discount goes, save in one case, to the

building owner. A manufacturer may (for example) put goods on the market with a discount from their catalogue price for a certain period, in order to make them better known, or a merchant who has overstocked a certain line of goods may be prepared to allow an unusual discount for a short time in order to reduce his stocks. These discounts go, according to the standard contract, to the building owner who is the real purchaser ; it is vital to an understanding of the clause to realize that this is the object. On the other hand, where the supplier is prepared to allow a discount for prompt payment, it goes to the contractor ; this again accords with the reason of the thing, because it is the contractor, not the building owner, who in the first place has to find the money to pay the supplier's bill, and is out of pocket until he is reimbursed either by payment of the contract sum or by receiving a provisional sum on account. This cash discount which the contractor may retain is limited to five *per cent.* Any discount for cash of more than five *per cent.* belongs to the ultimate paymaster, the building owner. We have lately heard of cases where contractors have claimed (and local authorities have paid) what purported to be a cash discount where the supplier did not allow one. In other words the contractor has received five *per cent.* upon the price of the goods from the building owner, over and above what he paid to the supplier. There is nothing in the standard form of contract to justify this demand. That contract, where it is adopted, excuses the contractor from buying prime cost items from a nominated supplier if the nominated supplier does not allow a cash discount of five *per cent.* The contractor is thus fully protected, and, if he goes on buying from a supplier who does not allow this discount, he simply does not get it. Local government officials, on the engineering or financial side, who have to deal with the costs of building works should be on the look-out for this point, since if the accounts are subject to district audit there will, we imagine, be no doubt but that the auditor will be alive to it.

A MAJORITY VERDICT FOR JURIES

[CONTRIBUTED]

". . . and that is the verdict of you all ".

As I have heard that familiar question put, and answered in the affirmative by the foreman, I have studied the faces of the members of the jury and wondered—is that the *true* verdict of you all upon the facts which have been placed before you in this Court ?—or is it the result of happenings in the jury-room ?

Upon the faces of the jurors generally, one can see signs indicative of satisfaction at a task completed ; individually, there are clearly signs of perplexity, bewilderment, doubt and, on some, dissatisfaction. Is it not time for a modification of that part of the jury system which requires the return of a unanimous verdict ?

The magistrates in petty sessions can, and in many cases do, give a majority decision. In the higher spheres of law we see the judges of the Divisional and Appeal Courts giving majority decisions. If these with their wide and extensive knowledge of the law and of courts, cannot come to a unanimous decision how can it reasonably be expected for every-day men and women, mixtures of good, bad and little education to be of a unanimous mind after having been pitch-forked into a court of law, often for the first time in their lives ?

The ruling itself of a democracy is by way of majority wishes. Why, then, must a jury of twelve be unanimous in their opinions of what are, very often, complicated and contradictory sets of facts ?

Upon examination the very thought of unanimity under such circumstances seems ludicrous.

I am convinced that were a check taken of the average jury's individual reactions as they left the box to retire to their room, a very wide divergence of opinion would be found.

Throughout a long day, counsel on either side have spared no effort to explain at great length and in greater detail the facts of the case. They have brought evidence in support and in contradiction. The judge or chairman has summed it all up, pointed out the highlights of both prosecution and defence, and explained in simple language any points of law involved. Every officer of the court has been most careful not to allow any matter outside the facts of the particular case to reach the ears of the jury. Should any matter have arisen which might have been considered relevant the jury have been carefully removed from court whilst the point was argued.

Above all, no tittle-tattle, or suggestion of the prisoner's previous bad character has been allowed to be hinted at.

It is my suggestion, therefore, that, having considered the way in which the matter has been most carefully sifted and weighed, with any previous bad character of the prisoner deliberately and rightly cloaked, the only time when the minds of the jury are influenced *by the facts, and the facts alone,* is at the time they leave the jury-box, and for anyone to say that, at that time, they are unanimous is a view which can quickly be dispelled by the fact that juries spend so long in retirement. If they were compelled to remain in the jury box, for, say, fifteen minutes after the close of the case, each thinking the matter over for himself, but not discussing it with any other member, and at the end of such period of time each one wrote down on a ballot paper the words " Guilty " or " Not Guilty " I venture to suggest that we should obtain the *true* verdict of the jury ; (this would, of course, necessitate an uneven number of jurors).

In the present circumstances they retire to the jury-room and all protection, rules of evidence and sometimes common-sense fly out of the window. The character of the prisoner, his family, his relations, should they be known by any member of the jury (and they often are) are bandied about. The characters of the witnesses, similar offences which may have occurred in the district and for which no-one has been brought to book, reports in the newspapers and so on, most, or all of which may not have the remotest connexion with the prisoner, come up for discussion.

Finally, we get a strong minded and probably strong spoken man who immediately starts to persuade the waverers and those against him that they should come over to his side. It is also pointed out that the longer they stick out the longer must the jury stay, and so we get a unanimous verdict. But is it the *true* verdict of them all, or is this the reason for the uncomfortable faces in the box when the verdict is returned ?—I wonder.

PETRIBURG.

THE SEVENTEENTH CENTURY JUSTICE IN TIME OF WAR

By ERNEST W. PETTIFER

There are many notes relating to the bitter struggle between King and Parliament in volumes 4 and 5 of the North Riding Sessions records, these being the volumes which cover that momentous period in our history. So early as January, 1639, a long entry relating to the refusal of a yeoman farmer, Frank Wilkinson of Brettanby, to pay the assessment upon his land discloses the fact that these assessments included proportions for " powder, match and shot for furnishing the Common Armour " (put in present-day language, for munitions of war), " and for payment of wages of the common souldyers." At the next sessions the defaulter " having taken advice from his learned Counsell " decided to accept the advice he had received, and to pay. Later records of many cases show that many people had the same objection to providing the King with the sinews of war, for the minutes state explicitly that the money was to be devoted not only to munitions and soldiers' wages, but also to military transport, watching beacons and other preparations for war. The Thirsk Sessions in October, 1639, heard numerous objections from occupants of land, and it is evident that that portion of the population which did not favour the King felt strongly the injustice of being compelled to support the Royalist cause.

In January, 1640, at Richmond Sessions, the whole of the inhabitants of Uckerby in the parish of Bowlton-on-Swale (names of parishes are given as spelt in the records), were presented for refusing to pay. In April, 1640, at Thirsk, there is a brief entry which gives ground for believing that small villages were being called upon to bear the cost of an individual, and named, soldier, and another entry implies that the assessment for army purposes had been fixed at 2*s.* in the £. At the same sessions a letter from the Lords of the Privy Council, directed to the Vice-President of the Council in the North, called for the raising of fifty-five soldiers in the North Riding, and forty-five in the East Riding. The letter promised reimbursement for fitting out the levies, but quarter sessions voted a sum of £80 towards the initial costs.

Another glimpse of the abnormal conditions under which the sessions carried on their work is afforded by a minute of Thirsk Sessions, October, 1640, which amended a minute adjourning the sessions to Helmsley. It ran thus : " Forasmuch as the town of Helmsley, and the towns adjoining, have many soldiers billetted, the said Sessions could not conveniently be holden without much danger or great prejudice, as well unto the Court, as to the inhabitants thereabouts, by reason of the great disorder which was feared to be amongst the soldiers. It is therefore ordered," etc. That the fear of disorder was not unfounded is proved by an application to the justices by a man whose house had been broken into and looted by soldiers. He said that he had been ruined by the injustice from which he had suffered, and the justices expressed their sympathy with him by a grant of 40*s.* The same day a constable declared that his prisoner had been rescued from his custody by soldiers, and there was a complaint that soldiers had killed the deer in Helmsley Park.

At Richmond Sessions, July, 1641, two farmers presented for not paying their assessments for the upkeep of the Army, including soldiers' wages, were apparently told that the men were being trained for His Majesty's service, and for the defence of the country, reasons which would not appeal greatly to Parliamentary adherents!

The Brettanby farmer mentioned at the beginning of this article made another appearance before the court in July, 1641, and the minute states clearly that the money was for soldiers' pay, for their training, for buying knapsacks, and for supplying deficiencies in the stock of arms. Those who defaulted, it proceeds, did so to the great hindrance of His Majesty's service.

During the years covered by these volumes great numbers of persons were presented to the Sessions as " Recusants " (not as " *Popish* Recusants ") and it is extremely probable that the persons named in the lengthy lists were those who were known to be unsympathetic towards his Majesty, and who were brought before the justices to be bound over, or fined, or both, by way of precaution in view of the imminence of war.

The justices sitting at Thirsk Sessions in October, 1641, recorded, with evident anxiety, the fact that the county had been sorely oppressed and put to great charge by reason of soldiers billetted in most parts of the North Riding. This depressing picture, due to the lack of discipline in the train-bands, or militia, called up by the King, probably represented the state of affairs in most English counties. The King's policy throughout was to compel the counties to bear the cost of maintaining his ill-disciplined and badly-officered militiamen.

At Northallerton Sessions in January, 1642, the justices, under instructions, and under the hands and seals of four justices, issued an order that all " Popish Recusants " within the Riding were to be disarmed, and the growing movement to take sides in the national conflict is illustrated by a minute to the effect that one of the justices, Mr. Heblethwaite, was absent, " he being a Parliment man." At the same court a Brompton man, Thomas Traineham, revived memories of the disgraceful defeat of the English levies by the Scots at Newbourne-on-Tyne near Newcastle, in 1640, by a claim for compensation for the loss of a cart commandeered by a Captain Hind, one of the fugitives from that engagement.

There is a long interval following the Bedale Sessions of July, 1642, before the next sessions were held. In March, 1643, a statement under the hands of three justices stated that the Riding had been sorely troubled by several armies since Michaelmas, 1642, but that they had now withdrawn from the Riding and that sessions could again be held in April. (Without going into historical details, it will be recalled that the declaration of war had taken place in the preceding August, and that Edgehill had already been fought. In the neighbouring West Riding the Fairfaxes had fought their early battles against the Royalists).

From the holding of the Thirsk Sessions in October, 1643, there were no further formal sittings until the Malton Sessions in 1645, but there is reason to believe that during this year and a half there were informal meetings of the justices here and there, as opportunity offered, and that a general committee carried on some of the work of sessions. From 1645 the lists of justices attending were much smaller. On several occasions there were only two justices on the bench, and the old names were replaced by others. The unrest of the period is reflected in the many charges of forcible entry, riotous assembly, wholesale cattle stealing, assaults and threats. Many of the minutes are distinguished by their brevity.

A minute of the Easingwold Sessions of January, 1646, although far from clear, seems to indicate that the Scottish Army in its campaigns in the northern counties had been maintained by levies in kind or in money on the inhabitants. The Wapentake of Langbargh had been faced with the grievous task of raising the huge sum of £7,000, and the bulk of this financial burden had fallen mainly upon the western half of the Wapentake. Quarter sessions ordered that the amount should be apportioned equally over the whole of this district, but the justices were obviously not very happy concerning this unfortunate Wapentake for a later minute refers to the " extraordinary imposition charged upon them by the Scottish forces." Later minutes record repeated efforts to collect the balance of this money, but, after January, 1648, with the end of the strife in sight, all references to the Wapentake's indebtedness cease.

From early in 1648 a new responsibility, and yet another charge upon the funds, was entrusted to the justices by order of the Parliament. This was the provision of pensions or gratuities for wounded soldiers or the widows of men who had lost their lives in the Parliamentary cause. There was already a " Threasurer for L.S." (*sic*), in other words a Treasurer for lame soldiers, and the calls upon him became very numerous. One of the earliest orders relates to Ensign Abraham Holt who lost a hand in the service of the Parliament and was given a pension of 50*s. per annum*. Will Handley, a foot soldier under Captain John Spencer, badly wounded and not able to help himself, received 30*s. per annum*. Then there was the case of James Stevenson of Buttercrambe in the parish of Bossall, who died of wounds received during the siege of Pontefract and who left an orphan chargeable to the parish. Fifty shillings was allowed in this case.

A soldier's widow with " a great charge of children " received a gratuity of £3 6*s.* 8*d.* and a pension of £4 *per annum*, and at Court after Court grants were made ranging from £4 down to 10*s. per annum*. It is of interest that some applicants brought certificates of army service from officers. In one case the certificate was signed by the Lord Protector himself, and in another by Major General Lambert. As the list lengthened the strain upon the county funds increased. At Thirsk Sessions in April, 1654, a minute deplores the scarcity of money for meeting these claims by " poor, impotent and lame soldiers who have hazarded themselves on behalf of the Commonwealth, and that there are many impotent and poor persons waiting at every Sessions who deserve to be looked upon with commiseration." The court directed the chief constables to speed up the collections.

From this period the amounts of pensions and gratuities show a marked diminution, and in some cases pensions previously granted were reduced, but, apart from the financial position, the cases recorded form a sombre picture of the suffering and poverty left as the aftermath of the great conflict. And to the hundreds of sufferers on the Parliamentary side, there must be added hundreds of Royalist soldiers who were wounded and who dare not ask any aid from quarter sessions, or who were killed and whose relatives were left in dire poverty.

THE ADVANTAGES AND DISADVANTAGES OF CASE LAW

By I. G. FAIRWEATHER

The system of case law is peculiar to England and the countries which have derived their law from England. Its essential principle is the rule that decided cases are binding authorities for the future. In many other countries this is not so and the judge, in his application and interpretation both of enacted law and of the general principles which will always underlie and supplement enacted law, is not bound by previous decisions of the same or any other court, but is free and indeed is bound to decide according to the best of his own judgment.

The great advantages of a system of case law in the English sense are three :

1. Certainty.—The fact that decided cases are binding authorities for the future makes it certain, or at least highly probable, that every future case which is essentially similar will be decided in the same way. People may therefore regulate their conduct with confidence upon the law once laid down by judges.

2. The possibility of growth.—Wherever the way is not closed by statute or precedent, new rules of law will from time to time be authoritatively laid down to meet new circumstances and the changing needs of Society. Where there is no system of case law the work of a judge who decides a case leaves no lasting mark on the law for the future ; it is, as far as the development of the law goes, thrown away.

3. A great wealth of detailed rules.—Our law is much richer in detail than any code of law (unless based on case law) can possibly be. The old German Civil Code, for instance, consisted of less than two thousand paragraphs.

The great disadvantages of case law are :

1. Rigidity.—Where a rule has once been decided, even though wrongly, it is difficult or impossible to depart from it. The binding force of precedent is a fetter on the discretion of the judge ; but for precedent he would have a much freer hand.

2. The danger of illogical distinctions.—When a rule which is binding is felt to work hardships, a judge will often avoid applying it to cases which logically ought to fall within it, by laying hold of minute distinctions which will enable him to say that the later case is different from the earlier case in which the rule was established.

3. Bulk and complexity.—The wealth of detail and the fact that the rules of law are to be found scattered over some hundreds of volumes of law report, make the law extraordinarily cumbrous and difficult to learn and apply.

There is no doubt that the advantages of the English system far outweigh the disadvantages. Still, the disadvantages are serious. The cure for them is to be found, and has from time to time been found, in statute law. Where rules have been laid down which produce hardship, where the rules have been made complicated and illogical by attempts to avoid hardship, statute law must intervene to remove the hardship or to lay down simple and intelligible rules. So, again, where the law has been satisfactorily worked out in detail, but the mass of scattered decisions is unmanageable, statute may undertake the work of codification, an orderly arrangement of the established rules in statutory form. In this way some considerable portions of the common law have from time to time been converted into statute law without material alteration of substance ; the labour of

searching for decisions is removed or lessened, and the law is to some extent made accessible to persons who are not professional lawyers.

However, there are two conditions to such a codification being satisfactory :

1. It must reproduce without material loss the richness of detail which is a characteristic merit of our system of case law ; we should not be content with a code of the brief and abstract kind which has been adopted and used with success in foreign countries ;

2. The adoption of a code must not deprive us of the advantages which we enjoy from the principles of binding precedents ; that is, judicial decisions will still be binding, will still be a means by which the law will develop, will still be capable of enriching the law by framing detailed rules.

A GUIDE AND CALENDAR FOR BOROUGH, URBAN DISTRICT AND RURAL DISTRICT COUNCIL ELECTIONS MAY, 1953

By R. N. HUTCHINS, LL.B., D.P.A. *Solicitor*

1 Serial	2 Principal Persons to take Action	3 Proceeding and Definition of Date, and statutory, etc., authority where generally applicable	4 Date for Boroughs and statutory, etc., authority	5 Date for Urban Districts and statutory etc., authority	6 Dates for Rural Districts and statutory, etc., authority	7 REMARKS For explanation of the Abbreviations and Symbols "+" & "—" etc. *See* notes below
1	**E.R.O. R.O.**	**Qualifying Date for the Election** Electoral Registers Act, 1949, s. 1 (4).	November 20, 1952	November 20, 1952	November 20, 1952	**The Register of March, 1953, will be used.**
2	**Town Clerk and R.O.**	**Publication of NOTICE OF ELECTION**—latest day. Not later than the 20th day before the day of Election.	Tuesday, April 14 L.E.R. 1 and 4 R.P.A. 1948, s. 57 (3) and (4)	**D.E.—20** U.D.C.E.R. 1, 4 R.P.A. 1948, s. 57 (3) and (5)	**D.E.—22** R.D.C.E.R. 1, 4 R.P.A. 1948, s. 57 (3) and (5)	For Forms for Boroughs *see* S.I. 1951 No. 264, Sch. II Forms A. For Forms for U.D.C. and R.D.C. *see* the Appendix to the "appropriate election rules."•
3	**CANDIDATE L.E.A. R.O.**	**Candidate becomes entitled to use certain Schools and Rooms for Election Meetings.**—From day on which Notice of Election is given to D.E.—1, s. 83.	Tuesday, April 14	**D.E.—20**	**D.E.—22**	For limitations, *see* s. 83. Candidate pays out-of-pocket expenses only.
4	**Elector E.R.O.**	*Latest day for receipt by E.R.O. of :—* (*a*) *Application to be treated as an ABSENT VOTER under s.* 24 (*Forms R.P.F.* 7, 7*A and* 9). *Reg.* 25. (*b*) Application for issue of PROXY PAPER (combined with an application to be treated as an absent voter). S. 25. Reg. 30 (3). (Form R.P.F. 10A). (*c*) *Application by Service Voters Proxy to vote by post. S.* 25, *Reg.* 32 (2), 25 (2). (*Form R.P.F.* 11). *Last day for the Delivery of Nomination Papers.*	*Tuesday, April* 21	**D.E.—14**	**D.E.—16**	**NOTES APPLICABLE TO WHOLE SERIAL :—** **a.** There are no postal voting facilities at Rural District Council Elections. **b.** *Applications under Serial* 3 (*a*) *include those on grounds of physical incapacity, nature of employment, and (for insular electoral areas only) a journey by sea or air.* **c.** *E.R.O. now has no discretion to allow late applications, except for Police Constables or Staff of R.O.* **d.** *Form R.P.F.* 10A *in general confined to cases where Elector at sea or outside U.K.* **e.** *Form R.P.F.* 9 *available for limited classes only, e.g., H.M. Reserve or Auxiliary Forces, certain staff of Returning Officers, and Police Constables, on duty in another electoral area.* **f.** *If application received after day specified and disregarded for the purposes of the election, it may remain effective for later elections.*
5	**CANDIDATE R.O. (Mayor for Boroughs)**	**DELIVERY at PLACE of NOMINATION of Candidate's :—** (*a*) **Nomination Paper.**—After Serial (2) and not later than noon on the 14th day before the day of election. (*b*) **Consent to Nomination,** attested by a witness, including statement of candidate's qualification. On or within one month before the last day for delivery of Nomination Papers.	Noon Tuesday, April 21 (*a*) P.E.R. 7, L.E.R. 1, 5-8 (*b*) L.E.R. 1, 7	Noon on **D.E.—14** U.D.C.E.R. 1, 5, 6, 7 and 8	Noon on **D.E.—16** R.D.C.E.R. 1, 5, 6, 7 and 8	For **FORMS** of Nomination Papers for B.C., *see* S.I. 1951 No. 264, Schs. I and II, Forms B. For Forms for U.D.C. and R.D.C. *see* the Appendix to the "appropriate election rules."• **No assentors are required for R.D.C. elections.**
6	**R.O. CANDIDATES**	*R.O. gives notice to each Candidate of Time and Place of Issue of Postal Voters' Ballot Papers. Not less than two days' notice must be given of the first issue.*	*April* 21 *usually* *Reg.* 40 (1) *and* 38 (2)	**D.E.—14** **Reg.** 40 (1) and 38 (2)	——	*Notice also states number of agents each Candidate may appoint to attend.* *R.O. is required to give as much notice as possible of any subsequent issue. Reg.* 40 2).

1 Serial	2 Principal Persons to take Action	3 Proceedings and Definition of Date, and statutory, etc. authority where generally applicable	4 Date for Boroughs and statutory, etc., authority	5 Date for Urban Districts and statutory etc., authority	6 Dates for Rural Districts and statutory, etc., authority	7 REMARKS For explanation of the Abbreviations and Symbols "+" & "—" etc. *See* notes below
7	**R.O. (Mayor for Boroughs)**	**Despatch of Notices of decisions on Nominations and Publication of Statement as to persons nominated.** — Not later than noon on the 13th day before the day of election.	Noon Wednesday, April 22 P.E.R. 13 (part). L.E.R. 1, 9 and 10	Noon on D.E.—13 U.D.C.E.R. 1, 9, 10	Noon on D.E.—13 R.D.C.E.R. 1, 9, 10	a. The decision of Mayor or R.O that a Nomination paper is valid is final. b. For Forms for B.C., *see* S.I. 1951 No. 264. Form C. For U.D.C. and R.D.C., *see* "appropriate election rules."• c. For Uncontested Elections, *see* Serial 25.
8	**R.O. (Mayor for Boroughs)**	**Arrangements made for use of Polling Places, fitting up of Polling Stations, attendance of Police and conveyance of ballot boxes.**—No time specified but action taken in anticipation of a contested election.	After Tuesday, April 21 P.E.R. 26 (1), (2), 30 L.E.R. 18, 22, 25	After D.E.—14 U.D.C.E.R. 22, 25	After D.E.—16 R.D.C.E.R. 21, 24	a. The polling places for Parliamentary elections shall be used save in special circumstances. S. 22 (3). U.D.C.E.R. 22 (3). R.D.C.E.R. 21 (3). b. As to use of Public Rooms, and certain Schools, *see* L.E.R. 18, U.D.C.E.R. 18, and R.D.C.E.R. 18.
9	**R.O. E.R.O.**	*R.O. notifies E.R.O. of his requirements for Special Lists and E.R.O. completes preparation of* :— (*a*) **ABSENT VOTERS' LIST** (*not for R.D.C.*) (*b*) **LIST OF PROXIES** (for all elections) (*c*) **LIST OF POSTAL PROXIES** (*not for R.D.C.*) "*As soon as practicable.*"	*After Tuesday, April 21* L.E.R. 24	After D.E.—14 U.D.C.E.R. 24	After D.E.—16 (Proxy List only) R.D.C.E.R. 23	*It is now no longer necessary for the names in the Absent Voters List and the Postal Proxies List to be numbered consecutively.*
10	**CANDIDATE CLERK OF AUTHORITY**	**Declaration in writing by or on behalf of Candidate to Clerk of name, address and office of ELECTION AGENT** — Not later than the latest time for delivery of notices of withdrawals. S. 55 and 57 (1).	Noon Thursday, April 23	Noon D.E.—12	Noon D.E.—12	*See* s. 58 for effect of default in appointment of Election Agent: *i.e.*, Candidate shall be deemed to have named himself.
11	**CLERK OF AUTHORITY**	**Clerk gives Public Notice of name, address and office of ELECTION AGENTS of Candidates**—Forthwith upon the declaration under Serial 10.	After Serial 10 S. 55 (5) and 57 (1)	After Serial 10	After Serial 10	*See* s. 55 (6) for the designation of the Clerk as the appropriate officer for this duty.
12	**CANDIDATE R.O.**	**Giving or withdrawing of Notices as to extending the Hours of Polling to 9** *p.m.*—Within the time for delivery of notices of withdrawals.	Noon Thursday, April 23 L.E.R. 3	Noon on D.E.—12 U.D.C.E.R. 3	Noon on D.E.—12 R.D.C.E.R. 3	Written notice must be given by at least as many candidates as there are vacancies.
13	**CANDIDATE R.O.**	**Delivery of Notice of Withdrawals of Candidature**—(attested by a witness)—not later than noon on the 12th day before the day of election.	Noon Thursday, April 23 P.E.R. 14 (2). L.E.R. 1, 11	Noon on D.E.—12 U.D.C.E.R. 1, 11	Noon on D.E.—12 R.D.C.E.R. 1, 11	Special provision is made if the candidate is outside the U.K.
14	**R.O. (Mayor for Boroughs)**	**R.O. appoints Presiding Officers, Poll Clerks and Counting Assistants**—No time specified but after it is known contest will take place.	After Tuesday, April 21 P.E.R. 27. L.E.R. 23	After D.E.—14 U.D.C.E.R. 23	After D.E.—16 R.D.C.E.R.—22	In Boroughs appointments of Officers and Clerks made by Mayor. L.E.R. 23. As to Declarations of Secrecy, *see* P.E.R. 32 (L.E.R. 27), U.D.C.E.R. 27, R.D.C.E.R. 26.
15	**R.O. CANDIDATE**	**R.O. notifies Candidate of number of Counting Agents whom he may appoint to attend the Count.** — No time specified; after R.O. has decided number of Counting Assistants he will employ.	After Serial 14 P.E.R. 31. L.E.R. 26 (1)	After Serial 14 U.D.C.E.R. 26	After Serial 14 R.D.C.E.R. 25	R.O. may limit the number of Counting Agents so long as the total allowed is not less than the total of Counting Assistants employed by R.O. In all cases the number allowed must be the same for each candidate.
16	**CANDIDATE R.O.**	*Notice by Candidate to R.O. of Appointment of Agents to attend at issue of Postal Ballot Papers —before time fixed for issue of Postal Ballot Papers.*	*Before time fixed under Serial 6* *Reg.* 38 (3)	*Before time fixed under Serial 6*	———	*For the number of Agents, see Reg.* 38 (2). *This serial NOT applicable to R.D.C. elections.*
17	**R.O. (Mayor in Boroughs)**	**NOTICE OF POLL**—latest day —Not later than the 5th day before the day of election.	Friday, May 1 L.E.R. 1, 19	D.E.—5 U.D.C.E.R. 1, 19	D.E.—5 R.D.C.E.R. 1, 19	The Notice must give *inter alia* the day and hours of poll, the number of councillors to be elected, the Candidates, the polling stations and description of persons entitled to vote.
18	**R.O. (Mayor in Boroughs)**	*R.O. issues Ballot Papers to Postal Voters—"as soon as practicable," i.e., as soon after time for withdrawals as ballot papers printed and lists prepared.*	*After Thursday, April 23* *P.E.R.* 25. *L.E.R.* 21 *Regs.* 36-46	*After D.E.—12* *U.D.C.E.R.* 21 *Regs.* 36-46	———	*Ballot Paper accompanied by Declaration of Identity (Form H) together with prepaid envelope for their return—Postage 2½d. for 2 ozs. plus small charge for Bulk Receipt.*
19	**CANDIDATE R.O.**	**Notice by Candidate or Election Agent to R.O. of particulars of (a) Polling Agents for detecting personation and (b) Counting Agents.**—Not later than the 3rd day before the day of election.	Monday, May 4 P.E.R. 31. L.E.R. 1, 26	D.E.—3 U.D.C.E.R. 1, 26	D.E.—3 R.D.C.E.R. 1, 25	a. As to Declaration of Secrecy, *see* Serial 24. b. For formula limiting the number of Counting Agents, *see* P.E.R. 31 (1), L.E.R. 26, and Note to Serial 15 above.

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20	R.O. CANDIDATE	*Notice by R.O. to Candidate as to time and place of Opening Postal Voters' Ballot Papers—at least twenty-four hours in writing. Reg.* 48 (3).	Tuesday, May 5	*D.E.*—2	———	a. *Notice also states number of agents Candidates may appoint under Reg.* 38 (2). b. *In order to expedite the count R.O. may now open all such boxes save one before the close of the poll.*
21	CANDIDATE R.O.	*Notice by Candidate to R.O. of names and addresses of Agents to attend at opening of Postal Voters' Ballot Boxes—before time fixed for opening under Serial* 20. *Reg.* 38 (3).	*Before time fixed under Serial* 20	*Before time fixed under Serial* 20	———	a. *For special declaration of secrecy, see Reg.* 39. b. *R.O. may limit the number of agents to not more than one per candidate per batch of envelopes. Reg.* 38 (2).
22	R.O. POLICE R.O.'s STAFF	Giving of Certificate of Employment to (a) Police Constable and (b) R.O.'s Staff on duty on Polling Day.—No time specified: normally before Polling Day.	Before Thursday, May 7 s. 23 (6). Reg. 34 P.E.R. 33. L.E.R. 28	Before D.E. U.D.C.E.R. 28 (2)	Before D.E. R.D.C.E.R. 27 (2)	a. Form "G" in Regs. for B.C. For U.D.C. and R.D.C., *see* Appendix to "appropriate election rules."* b. Form to be signed by Police Inspector or R.O. as case may be.
23	R.O. COUNTING AGENT	R.O. gives notice in writing to Counting Agents of time and place when counting of votes will begin.—No time specified.	Before Count P.E.R. 45. L.E.R. 40	Before Count U.D.C.E.R. 40	Before Count R.D.C.E.R. 39	It is customary to send written notice to Candidate also.
24	VARIOUS	Making of Declaration of Secrecy.—Before the opening of the poll, except for persons attending the Count only. S. 53.	Before Thursday, May 7 P.E.R. 32. L.E.R. 27	Before D.E. U.D.C.E.R. 27	Before D.E. R.D.C.E.R. 26	The Forms of Declaration are set out in full in the appropriate rules.
25	R.O.	Election NOT contested. Publication of name of Person Elected.—latest time.	11 *a.m.*, Thursday, May 7 L.E.R. 13 (2) and 46 (2)	11 *a.m.* D.E. U.D.C.E.R. 13 (2) and 46 (2)	11 *a.m.* D.E. R.D.C.E.R. 13 (2) and 45 (2)	
26	GENERAL	DAY OF ELECTION—POLLING DAY. Boroughs—May 7; Home Secretary; R.P.A., 1948, s. 57 (3) (4) U.D.C. and R.D.C., May 4, 5, 6, 7, 8, 9 as fixed by C.C. R.P.A., 1948, s. 57 (5).	THURSDAY, May 7 Hours of Poll 8 *a.m.* to 8 *p.m.* subject to extension under Serial 12 above For conduct of Poll *see* L.E.R. 28-39	D.E. POLLING DAY (*see* col. 3) Hours of Poll 8 *a.m.* to 8 *p.m.* unless C.C. fix otherwise U.D.C.E.R. 3 For conduct of Poll *see* U.D.C.E.R. 28-39	D.E. POLLING DAY (*see* col. 3) Hours of Poll—Noon to 8 *p.m.* unless C.C. fix otherwise R.D.C.E.R. 3 For conduct of Poll *see* R.D.C.E.R. 27-38	a. If the County Council fail, by the end of February, to fix a date, the Day of Election for U.D.C. and R.D.C. is May 5. b. *See* Serial 12 for Candidate's right to extend the Hours of Poll to 9 *p.m.*
27	R.O. and Persons entitled under L.E.R. 40 U.D.C.E.R. 40 R.D.C.E.R. 39	(a) THE COUNT—as soon as practicable after the close of the poll. (b) Verification of Ballot Paper Accounts and Delivery of Documents.	Thursday, May 7 P.E.R. 45-50, 55 and 56 (1) L.E.R. 41-45, 48 and 49	D.E. U.D.C.E.R. 40-45	D.E. R.D.C.E.R. 39-44	Except for R.D.C., where discretion rests with the R.O., no night adjournment of the Count (8 *p.m.* to 9 *a.m.*) except with the consent of Candidates, their Election or Counting Agents.
28	R.O.	(a) R.O. makes DECLARATION OF RESULT (b) R.O. returns name of each person elected to the Town Clerk or Clerk of the Council. (c) R.O. gives Public Notice of the Result.	Thursday, May 7 or after L.E.R. 46, 47	D.E. or After U.D.C.E.R. 46, 47	D.E. or After R.D.C.E.R. 45, 46	The form of result must show the total number of votes given for each candidate.
29	CLERK	STATISTICAL RETURN to Registrar General by Town Clerk or Clerk of the Council.	After Thursday, May 7	After D.E.	After D.E.	H.O. letter 7/2/2, 3 or 5 of March 3, 1953. As soon as may be convenient after the day of election.
30	COUNCILLORS	DAY OF RETIREMENT and day when newly elected Councillors come into office—4th day after day of election.	Monday, May 11 R.P.A. 1948, sch. 6, para. 2 (2) (*a*)	May 20 L.G.A. 1933, s. 35 R.P.A. 1948, sch. 6, para. 3	May 20 L.G.A. 1933, s. 35 and 50 R.P.A. 1948, sch. 6, para. 3	
31		ANNUAL MEETING. Boroughs—Between 11th and 18th day after D.E. U.D.C. and R.D.C.—On or as soon as conveniently may be after May 20.	Between May 8 and 25 R.P.A. 1948, sch. 6, para. 2 (2)	May 20 or After L.G.A. 1933, sch. 3, Pt. III, para. 1 (2) and R.P.A. 1948, s. 57 and sch. 6, para. 3	May 20 or After L.G.A. 1933, sch. 3, Pt. III, para. 1 (2) and R.P.A. 1948, s. 57 and sch. 6, para. 3	
32	ELECTION AGENT AND OTHERS	Last day for sending to Election Agent claims in respect of Election Expenses.—Within 14 days after day result of election is declared. S. 66 (1).	Thursday, May 21	D.E.+14	D.E.+14	Claim is barred if not made in time. As to limitation of election expenses *see* s. 64.
33	CANDIDATE	Candidate sends to Election Agent written statement as to Personal Expenses. — Within time limited for sending in claims. S. 66 (2).	Thursday, May 21	D.E.+14	D.E.+14	
34	PERSON AUTHORIZED BY ELECTION AGENT	Sending of Statement of Particulars as to Petty Expenses authorized in writing by Election Agent.—Within time limited for sending in claims. S 62 (4).	Thursday, May 21	D.E.+14	D.E.+14	Payments must be vouched for by a bill with receipt.
35	CERTAIN PERSONS AUTHORIZED BY ELECTION AGENT	Last day for sending to Clerk of Return and Declaration of certain expenses by persons authorized in writing by Election Agent. — Within fourteen days after date of publication of the result of the Election.	Thursday, May 21 s. 63 (2)	D.E.+14 s. 63 (2)	D.E.+14 s. 63 (2)	*See* s. 63 for important qualification. Not applicable to persons engaged or employed for payment by Candidate or Election Agent.

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36	GENERAL	The removal of Election Advertisements other than Statutory Advertisements. S.I. 1948, No. 1613, r. 14 (2) (*b*).	Thursday, May 21	D.E.+14	D.E.+14	Statutory Advertisements must be removed within a reasonable time. S.I. 1948, No. 1613, r. 14 (2) (*b*).
37	PETITIONER	Presentation of Petition questioning the Election.—Within 21 days after the election. S. 112-114.	Thursday, May 28	D.E.+21	D.E.+21	*See* s. 114 for exceptional cases. Clerk is required to publish the Petition. S. 113 (4).
38	ELECTION AGENT	Last day for Paying Claims for Election Expenses. — Within twenty-eight days after the day the result of the election is declared. S. 66 (2).	Thursday, June 4	D.E.+28	D.E.+28	*See* s. 66 (3)-(7) for exceptional cases. *See* s. 67 for disputed claims.
39	ELECTION AGENT CLERK	Last day for transmission to Clerk of Return and Declaration of Election Agent as to Election Expenses. — Within thirty-five days after the result of the election is declared. S. 69, 70 and sch. 5.	Thursday, June 11	D.E.+35	D.E.+35	a. For form and content of return and declaration, *see* s. 69 and sch. 5. b. Clerk shall provide facilities for inspection. Fee 1*s*. S. 77.
40	CANDIDATE CLERK	Last day for transmission to Clerk of Declaration by Candidate as to Election Expenses.—Within seven days after return under Serial 39. S. 70 (2) and sch. 5.	Within seven days after Return under Serial 39	Serial 39+7	Serial 39+7	*See* s. 70 for special provisions if Candidate outside U.K., or acting as his own Election Agent. For Form, *see* note to Serial 39.
41	CLERK	(a) Certain Election Documents cease to be available for public inspection and Clerk shall destroy.	November 7, 1953	D.E.+6 months U.D.C.E.R. 51	D.E.+6 months R.D.C.E.R. 50	a. Meantime the Clerk must provide facilities for public inspection of the Returns and Declarations.
		(b) Returns and Declarations under Serials 35, 39 and 40 ceases to be available for public inspection and Clerk may destroy.	Serial 40+2 years	Serial 40+2 years	Serial 40+2 years	b. At end of period, if Candidate or Election Agent so require documents shall be returned to candidate.

NOTES

(*a*) "B.C." refers to Borough Council.

(*b*) "C.C." refers to County Council.

(*c*) "D.E." refers to Day of Election (Polling Day) and, for the purposes of this Calendar, it is assumed that the declaration of the result is made the same day.

(*d*) "E.R.O." refers to the Electoral Registration Officer. *See* R.P.A., 1949, s. 6.

(*e*) "L.E.A." refers to Local Education Authority.

(*f*) "L.E.R." refers to the Local Election Rules in Schedule 2 to the Representation of the People Act, 1949, applied to Borough Councils by s. 27.

(*g*) Minus signs thus "—" indicates period (in days unless otherwise stated) before the day specified.

(*h*) Plus signs thus "+" indicates period (in days unless otherwise stated) after the day specified.

(*j*) "P.E.R." refers to the Parliamentary Election Rules in Sch. 2 to the Representation of the People Act, 1949.

(*k*) "Reg." refers to the Representation of the People Regulations, 1950, S.I. 1950, No. 1254.

(*l*) "R.D.C.E.R." refers to the Rural District Council Election Rules, 1951, S.I. 1951, No. 266.

(*m*) "R.O." refers to Returning Officer.

(*n*) "R.P.A." refers to the Representation of the People Act.

(*o*) "S." refers to Sections of the Representation of the People Act, 1949.

(*p*) TIME. In general Sundays and public holidays are excluded in reckoning time for any proceedings up to the completion of the poll. *See* L.E.R. 2. U.D.C.E.R. 2. R.D.C.E.R. 2. R.P.A., 1948, s. 54, R.P.A., 1949, s. 106, L.G.A., 1933, s. 295 and Reg. 69 *See* also J.P.N., 1949, pages 109 and 176.

(*q*) "U.D.C.E.R." refers to the Urban District Council Election Rules, 1951, S.I. 1951, No. 267.
"the appropriate election rules" refers to the U.D.C.E.R. and R.D.C.E.R., as above defined, namely the rules applicable to Urban District and Rural District elections respectively.

N.B.—ITALICS INDICATE THE PROVISIONS AS TO POSTAL VOTING WHICH DO NOT APPLY TO RURAL DISTRICT COUNCIL ELECTIONS.

APRIL, 1953					
Sun.	–	5	12	19	26
Mon.	–	6	13	20	27
Tues.	–	7	14	21	28
Wed.	1	8	15	22	29
Thurs.	2	9	16	23	30
Fri.	3	10	17	24	–
Sat.	4	11	18	25	–

MAY, 1953					
Sun.	31	3	10	17	24
Mon.	–	4	11	18	25
Tues.	–	5	12	19	26
Wed.	–	6	13	20	27
Thurs.	–	7	14	21	28
Fri.	1	8	15	22	29
Sat.	2	9	16	23	30

Note :—Days disregarded are shown in light figures : *see* note (*p*) above.

THE ADVERTISEMENT REGULATIONS

[CONTRIBUTED]

The article at 117 J.P.N. 101 on the Manchester Corporation Advertisement Bill sets out briefly the case made by the advertising interests against local Act powers to control advertisements. They wish to have one all-embracing code of control. This is an argument which will probably appeal to those who do not think very deeply about the subject, and are unaware not only of the difficulty of devising a code of control which will suit all circumstances but also of the shortcomings of the existing Regulations.

In the designing of an all-embracing code there are two objects to be achieved: the code must operate fairly as between the meaner streets of industrial towns on the one hand, and such places as Georgian Squares, Cathedral Closes, the neighbourhood of ancient monuments, and indeed the open countryside itself on the other hand; and it must be equally appropriate in its application to all the multitudinous forms of outdoor advertising.

It will hardly be disputed by either the administering authorities or the advertising interests that the code embodied in the present Advertisement Regulations fails to achieve either object.

The drafting of the code is so awkward and imperfect that it seems that the draftsman started his task with little appreciation of what was involved; afterthought appears to follow afterthought, prompted perhaps by increasing realization that outdoor advertising was not limited to poster hoardings. The results may be seen, for example, in reg. 8 read with reg. 2 (2); or in reg. 4 (and in particular reg. 4 (4) and its proviso) read with the definition of "advertisement" in reg. 2 (1).

Worst of all, however, is the method employed to apply the code to every place where advertisements (as defined) may be found. Since both advertisements and their environments are of infinite variety, consistency is sought to be attained by laying down two, and only two, criteria by which advertisements are to be judged—"the interest of amenity" and "the interests of public safety". It is a poor resource to rely on vagueness for uniformity.

Considering the latter criterion first, the purpose of outdoor advertising is presumably to attract attention, to catch the eye and hold it. It is arguable that anything which can distract a motorist's attention while driving is, by that fact alone, inherently contrary to the interests of public safety, and that therefore the better the advertisement fulfils its function the more dangerous it is. Regulation 4 (2) (*b*) does not exclude such an argument, for its latter part particularizes but does not define. In practice, of course, it is generally recognized that this argument goes too far, and the regulations are interpreted as meaning that up to a point the interests of public safety shall be considered, the precise point being unascertained.

As for amenity, it is judged and measured by as many standards as there are minds. What constitutes, and what offends against, amenity varies from town to town, from industrial area to rural district, from mile to mile throughout the length and breadth of the land. The double-sided petrol service sign that brightens a drab street is, by the Minister's own decision, prejudicial to the amenity of Burwell in Cambridgeshire. Of what advantage is it to the advertising interests to have to conform to a single code if it involves them in a labyrinth?

It is not proposed to enter into detailed criticism of the whole of the existing code, but one or two other defects may be touched upon. The code draws a distinction between the general use of a site for advertising, when detail may not be considered, and the case of a "particular advertisement", when it may; but unfortunately in practice there is an overlap. Does a change of colour on a repainting bring into being a new "advertisement", all else being unchanged? What happens when an approved advertisement becomes incongruous by reason of a new shop front being constructed beneath it?

There are, however, broader considerations which merit thought. Is it really desirable and practical to have a uniform code of control throughout the country, spreading everywhere a net of which the mesh is designed to be fine enough to catch the smallest intruder into the choicest beauty spot? It is not surprising that the Outdoor Advertising Industry Advisory Committee complains of being worse off than before. What is questionable is whether that is because of dual control arising from the continued existence of local Act powers.

For quite a long time before 1947, Parliament had recognized that certain places merited special powers of control over advertisements, and gave powers, not without safeguards, in local Acts. Those powers were almost certainly subjected to closer scrutiny, and are beyond doubt better drawn, than the present Advertisement Regulations. By and large, those powers have been used wisely and discreetly by the authorities to whom they were entrusted. One has only to peruse "Signs and Outdoor Advertising" to find that in the opinion of the advertising industry a lot of authorities do not so use the Advertisement Regulations.

If local Act powers are to be abolished, by what do the advertising interests want them to be replaced? By an obscure, cumbersome code founded on the quicksand of amenity, of which the Minister is deemed to be, in every city, town, and village, the best judge? Do they want a levelling down rather than an up-grading? General uncertainty rather than local precision?

It is submitted that, before local Act powers are abolished, there should be a great deal more thought on what is to replace them. Two possibilities for the future may be suggested. One would be to simplify the general code, reducing it to the barest essentials of control (so far as they are not already available under s. 12 of the Town and Country Planning Act, 1947) and leave local Act power still to be used by the authorities which possess them. Another, to divide the general code into two parts—a simple general code as already mentioned; and a separate detailed code incorporating the best of the local Act powers, which could be adopted (possibly subject to the approval of the Minister) by those authorities which considered it desirable. It will be noted that both these suggested courses entail getting rid of the present general code.

Two final observations remain to be made. It would surely be easier for the advertising interests to remember a relatively small number of places where special powers exist, than to keep themselves informed of what standard of amenity has been prescribed for every corner of every planning authority's area. And, before deciding that local Act powers ought to be abolished, it would be as well to ascertain just what those powers were.

ADDITIONS TO COMMISSIONS

EAST HAM BOROUGH

Leonard Abraham Matthews, 28, Oakfield Road, East Ham, E.6.
Dr. Oliver Thomas, 99, High Street South, E.6.
Hugh Robert Alexander Watson, 6, Hereford Gardens, Ilford, Essex.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 27.

MILK, AN IMPORTANT CASE

At Ryde petty sessions recently, a dairyman pleaded " Not Guilty " to the following six charges :

Three informations under s. 13 (3) (*a*) of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, alleging that he had for the purpose of the sale of milk referred to that milk by a description namely " Full Cream Milk, B Farm from Tuberculin Tested Herd," which was calculated falsely to suggest that the cows from which the milk was derived were free from the infection of tuberculosis.

Three informations under s. 13 (3) (*c*) of the same Act, alleging that he had for the purpose of the sale of milk referred to that milk by a description namely " Full Cream Milk, B Farm from Tuberculin Tested Herd," which was calculated falsely to suggest that there was in force a licence authorizing the use of a special designation in connexion with that milk.

The prosecutor opening the case said that the Food and Drugs Act had special regulations concerning milk. Raw milk could be designated as " tuberculin tested " or " accredited." In this particular case the prosecution was concerned with the designation " tuberculin tested." There were two types of licence in connexion with the production and sale of T.T. milk and the designation could not be used unless these licences were held. The producer's licence was issued by the Ministry of Agriculture and Fisheries to the person having control of the herd of milch cows and enabled them to sell T.T. milk. The designation could not be used, unless the producer held this licence. The other type of licence was the dealer's licence to sell T.T. milk by retail and was issued by the local authority under the Food and Drugs Act.

The prosecutor declared that the prosecution was an important one from the health point of view. It had been the policy of successive governments to try to eradicate tuberculosis from milk and in an effort to do that they had imposed stringent regulations with regard to the production and the retail sale of tuberculin tested milk to ensure cleanliness on the farm and in the dairy and to ensure that the milk was kept free from infection at all stages until it reached the customer. One of these regulations was that the words " tuberculin tested milk " must appear on the top of the bottle. Because of these regulations, confidence has been established in the minds of the public and it was a serious matter if that confidence should be abused by careless producers or retailers to put it at its best. The prosecution alleged that the defendant was not only likely to deceive but that he intended to deceive and he in fact did deceive. The defendant was not the holder of a licence to sell T.T. milk and the herd from which he was obtaining his milk was, at the time of the offence, contaminated with tuberculosis. Two cows from this herd had since been slaughtered and were found to be suffering from advanced tuberculosis.

Evidence was then called for the prosecution and a married woman said that on moving recently she had decided to keep the same supplier of milk, the defendant, as the previous occupant of the house. At first the milk was delivered in bottles with silver tops with no writing on them, only rings. As she had two young children who were fond of drinking raw milk and as she had been accustomed to T.T. milk for them, she saw defendant on the second or third day and asked him if he could supply T.T. milk, and he said he could and would. The milk delivered after that request arrived in bottles with gold metal tops, with labels saying " From tuberculin tested herd." On two successive days she noticed that one of the bottles had some dirt, such as sand, in the bottom. She looked at some others and found them to be the same and one had a piece of black in it. She reported the matter to the local sanitary inspector. She labelled one bottle from each day and put them in the refrigerator. Cross-examined witness said that she was aware that there was a difference in the price of T.T. and ordinary milk but she had not realized that she had never been charged more than 6½*d.* a pint for any of the milk from defendant. She simply paid the amount she was told was due.

The chief sanitary inspector for Ryde said that the defendant was not a holder of a dealer's licence for the sale of tuberculin tested milk. After a telephone call, he visited the last witness's house and took away certain bottles of milk which he later gave to the local inspector of Weights and Measures, and which he then identified.

The Director of the Public Health Laboratory at Winchester said he examined samples of the milk at the laboratory and diagnosed that the milk was infected with tuberculosis.

A veterinary surgeon of the Ministry of Agriculture and Fisheries said that he went to B Farm and examined one of the cows and found that it was infected with tuberculosis. He took the appropriate action under the order. He again visited the farm two days later and took two group and three individual samples of milk. Under microscopical examination, one proved positive for tuberculosis and he again took the appropriate action. The regulations required a notice to be served stopping the use of milk from the infected cow and the service of a notice of intended slaughter. Two animals were slaughtered, the post-mortem showing that both had been suffering from an advanced state of tuberculosis. He stated that the producer, Mr. CD, did not hold a producer's licence for tuberculin tested milk.

The Inspector of Weights and Measures and Food and Drugs Sampling Officer, said that he was handed four milk bottle tops of a gold colour and bearing the words " Full Cream Milk B Farm from Tuberculin Tested Herd " by the first witness. Later, he received two bottles of milk, similarly labelled. Witness stated that he saw defendant, showed him the bottle tops and cautioned him. Defendant said he knew who the complainant was because he had only sold gold top bottles of milk to the first witness. His assistant, Miss R, had about four pints of milk daily and she liked afternoon milk as she liked to have the cream for making a bit of butter. To differentiate between hers and the ordinary customers' milk, she put gold caps on the bottles. One weekend he was short of farm milk and rather than give first witness creameries' milk which she did not like, he delivered some of Miss R's gold-topped bottles. Witness said that defendant first said there were only two bottles with gold tops delivered but when four were produced defendant said that the same thing had happened on two or three days. Witness asked if he thought he could use those labels in spite of the fact that he did not hold a T.T. trading licence. Defendant replied that as the cows had been passed as free from tubercular infection a month previously, he could not see why he could not. He never charged the extra money for the milk. He added that if first witness had specifically asked for T.T. milk he could easily have got some from the creameries for her and delivered it. He had ordered 36,000 plain caps and 36,000 gold caps which were obtained in order that he would be ready for the change over to T.T. milk. He thought it was a lot of fuss over nothing.

For the defendant it was submitted that he could not be convicted because there was no evidence of the gold coloured caps being " used for the purpose of sale " and the wording did not suggest falsely that he had a licence to sell tuberculin tested milk.

The defendant, in evidence, said he was a milk retailer with no cows of his own but a large part of his milk came from B Farm which belonged to his father-in-law. The only conversation he had with first witness was four days after he started delivering to her. She asked him how he would like her to pay the bill. On the Thursday or Friday of the following week he was by the gate into the road when a voice, which he presumed to be first witness's, shouted out " Is your milk T.T. ? " He replied " Yes, it is tested." Nothing more was said then or at any other time. He had never charged T.T. price for milk he delivered to first witness. He purchased the gold bottle tops in June of last year. The application for inspection of the dairy to operate it on a T.T. basis was made in October. The morning and afternoon milk was brought to the dairy in bulk and then bottled and the tops put on. The morning and afternoon milk was kept separate. Miss R always put the gold tops on the afternoon milk which she intended for herself. On one or two occasions when they had reached first witness's house they had run out of farm milk and rather than give her pasturized milk he delivered one of Miss R's gold-topped bottles. The same thing happened on another day and on the last weekend there were two pints each day. He had never put on the gold caps with the intention of deceiving first witness. Cross-examined, defendant said that first witness's statement about the conversation between them was untrue. It was not the fault of the supplying firm that the bottle tops did not bear the words " Tuberculin Tested Milk " as required by the regulations. He had not gone through the regulations because as yet the herd was not operating on a T.T. basis. He had stopped delivering milk to first witness because he felt that she should have spoken to him about the sand in the milk and asked him for an explanation before going to the health authorities.

Miss R corroborated what the defendant had said about putting gold tops on her own milk.

On each of the three summonses for falsely suggesting that a licence was in force authorizing the use of a special designation defendant was fined the maximum penalty of £20, after the chairman had told him, " We seriously considered whether we should not revoke your licence entirely as we considered it a very unsatisfactory case." Defendant was also ordered to pay £5 5*s.* costs.

Defendant was found not guilty on the remaining three charges.

COMMENT

The writer has reported this case at length because it represents, in his opinion, an unusual type of food prosecution and there is evident truth in the suggestion of the prosecution that enormous harm could be done if public confidence in the campaign to improve the quality of milk was seriously shaken.

By s. 32 of the Act of 1950, the Food and Drugs Act, 1938, and the Act of 1950 are to be construed as if the latter Act formed part of the former. In consequence the penalty for an infringement of s. 13 of the Act of 1950 is that provided by s. 79 of the Act of 1938, namely a fine of £20 for a first conviction and three months' imprisonment and a fine of £100 in the event of a subsequent conviction.

(The writer is indebted to the Inspector of Weights and Measures, Isle of Wight County Council, for information in regard to this case.)

R.L.H.

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

CASES FOR LONDON JUSTICES

Mr. E. L. Mallalieu (Brigg) asked the Secretary of State for the Home Department what steps he was taking to relieve the pressure on Metropolitan magistrates by putting more work on to lay justices for the County of London.

The Secretary of State for the Home Department, Sir David Maxwell Fyfe, replied that he had made an Order under s. 11 (9) of the Justices of the Peace Act, 1949, specifying the classes of case which may be taken by lay justices in the County of London; it came into effect on April 1 and, when fully implemented, it would substantially increase the work of the lay justices.

Secondly, an arrangement had been made for justices to sit in a spare court room at Bow Street to hear cases in relief of the metropolitan magistrates.

Thirdly, a domestic proceedings court, with a bench consisting of a metropolitan magistrate and two lay justices selected from a panel, has been set up under s. 9 of the Summary Procedure (Domestic Proceedings) Act, 1937, and now has jurisdiction to take cases arising in any part of the metropolitan court area or in the City of London.

APPOINTMENT OF HIGH SHERIFFS

Mr. H. Hynd (Accrington) asked the Chancellor of the Exchequer what part he played in the nomination of the sheriff of a county; and what qualifications he took into consideration in selecting a sheriff.

The Financial Secretary to the Treasury, Mr. J. A. Boyd-Carpenter, in reply to the first part of the question referred Mr. Hynd to s. 6 of the Sheriffs Act, 1887. With regard to the second part, the names of persons submitted for nomination as High Sheriffs were proposed in the first instance by the serving High Sheriff. The list of names was submitted to the Judge at the summer assize and subsequently to the Queen's Remembrancer. Before the nomination, confidential inquiries were made as to suitability and eligibility under ss. 4 and 5 of the Act.

MORE ABOUT THE CORONATION

Some months ago an article was published in this journal*, which dealt briefly with some legal and practical points connected with local celebrations of the forthcoming Coronation of Her Majesty, so far as those had then become apparent. Preparations for the day are now well past the outline stage, the finance committees of our local councils have approved—or reduced—the proposed expenditure, and details are now being thrashed out in numerous committees and with much voluntary help from " outside " the councils. A few further observations on legal and administrative points may therefore be of some assistance.

(A) EXPENDITURE

The views of H.M. Government on local celebrations have now been published, in Ministry of Housing and Local Government Circular 79/52, and Ministry of Education Circular 260. The Minister of Housing in his circular has exercised his power given to him in the proviso to s. 228 (1) of the Local Government Act, 1933, and has sanctioned " the reasonable expenses in connexion with any local celebration of the occasion which may be incurred by any of the under-mentioned local authorities in England and Wales, that is to say, county councils, metropolitan borough councils, municipal borough councils, urban district councils, rural district councils and parish councils, insofar as such expenses are charged in accounts subject to audit by a district auditor." The Minister also states that he is unable to advise individual authorities whether any particular kind of expenditure may be incurred, or as to the amount that may properly be spent by any particular authority. This sanction does not, nor could it purport to do so, legalize any item of expenditure for which there exists no present legal authority, nor will the Minister's circular affect the legal position of those Boroughs whose accounts are not subject to District Audit. On such matters as the purchase of souvenirs, therefore, it seems that the only strictly legal means of meeting this expenditure, is for the council to increase the mayor's (or chairman's) salary for the year, and leave it to him to provide the souvenirs (*see* our previous article).

*See 116 J.P.N., at p. 573.

(B) SOUVENIRS

Local authorities intending to purchase souvenirs are advised to consult the Industrial Art Committee, or to purchase only items which have been approved by them. A great variety of items are being offered by traders, but most local authorities seem to be favouring the traditional " mugs " for presentation to school children.

(C) EDUCATION AUTHORITIES

The Minister of Education, in her circular above mentioned, states that expenditure incurred by the local education authority in connexion with the Coronation, to a maximum of 2*s*. per child in a maintained or assisted school, will be allowed to rank for Exchequer grant. County borough authorities are using this power, in most cases, to purchase souvenirs, but the non-county boroughs, and other district councils cannot themselves make use of this means of obtaining Exchequer assistance in the financing of their celebrations. It is understood that, recognizing this position, some county council education authorities have agreed to reimburse to the district councils within the county expenditure in connexion with the celebrations, incurred by those councils for the benefit of school children, to the maximum of 2*s*. per head; the county will then be able to claim the grant, and all the ratepayers in the county will benefit as a consequence.

(D) BUNTING AND DECORATIONS

It is emphasised in the Ministry of Housing's Circular that orders for flags and decorations should have been placed as early as possible. A copy of the Royal Cypher approved by Her Majesty is appended to the circular, and this may be used through-

out the coronation period (an expression which is not defined) for " decorative purposes," as may the Union Jack, but *not* the white, blue or R.A.F. ensigns, or the Royal Standard. Bunting, flags or other decorations should not overhang the footway of any street to a level of less than eight feet (Town Police Clauses Act, 1847, s. 28†), and any ropes, wires or other apparatus placed across a highway or any part thereof, should be placed in such a manner as not to be likely to cause danger to persons using the highway (Road Traffic Act, 1930, s. 51). It is suggested that the normal decorations, flags, bunting, etc., as distinct from announcements of coronation events, are not " advertisements " within the meaning of the Town and Country Planning (Control of Advertisements) Regulations, 1948 and 1951, and that there is no need to obtain the consent of the local planning authority in respect thereof under those Regulations.

(E) STREET TEAS, ETC.

In a number of towns, street teas or other functions of a like nature are being organized, which will involve the use of a highway for some purpose other than the strictly lawful one of " passing and re-passing." Her Majesty's subjects cannot be lawfully excluded from passing along a highway on their lawful occasions by the organisers of such functions, unless the local authority have first made an order under s. 21 of the Town Police Clauses Act, 1847†, or have applied the similar provisions of a local Act.

(F) ENTERTAINMENTS IN PARKS

Under s. 132 (2) of the Local Government Act, 1948, any local authority may enclose or set apart any part of a park or pleasure ground belonging to them or under their control, not exceeding one acre or one-tenth of the area of the park, whichever is the greater, for the purposes of the provision of an entertainment, and for the other purposes mentioned in the section. This will clearly cover a concert, or the production of a play in the park, but it is not so clear that the roasting of an ox or other animal (a " barbecue ") is a purpose within the section for which a portion of a park could be enclosed, as it seems doubtful whether such an event would be an " entertainment " within the section. For authorized entertainments, the part of the park concerned may be let out to any person, and charges may be made for admission.

(G) THE LONDON CELEBRATIONS

The local authority associations have been allocated a number of seats on the various stands provided by the Ministy of Works along the route to be taken by the Coronation procession, and these are being distributed for allocation by individual authorities ; it is understood that individual mayors or chairmen are not being invited, as was done at the last coronation, and on the occasion of the official opening of the Festival of Britain. The seats are to be paid for (in most cases at a charge of £4 each), and it seems that this expense (and any necessary travelling or subsistence expenses) should not be borne by the general rate funds of the local authorities concerned, as the individuals who eventually obtain the tickets allocated cannot be regarded as the official " representatives " of their local authorities.

The Home Office have issued a special circular on the subject of seats for Civil Defence personnel (C.D. Circular 5/1953), for whom there has been a small allocation (seventy-two pairs) of seats in stands along the route. From the same circular, it seems unlikely that the Civil Defence Corps will be represented in the Coronation Procession. With great respect to the Earl Marshal and the Coronation Commission, on whom the responsibility for arranging the procession rests, we regard this decision with some disappointment, as we feel that the Corps should be recognized as the " Fourth Arm," which it has been called on occasion by Her Majesty's Ministers. To put the case on its lowest level, the presence of a Civil Defence contingent in the procession would, we are sure, prove of real assistance in the hard work of recruitment for the Corps. J.F.G.

† It should be noted that these provisions are in force in all urban districts, but only in some rural districts : *see Lumley's Public Health*, 12th edn., Vol. I, p. 348.

PERSONALIA

APPOINTMENTS

Mr. E. Morris Gibson, of Spencer, Gibson & Son, Solicitors of Sutton, Surrey, has been appointed chairman of the Sutton District Water Company.

Dr. James Ronald Murdock, medical officer of health for Cudworth, Darton and Royston urban districts, has been appointed medical officer of health and school medical officer for Huddersfield in succession to Dr. J. M. Gibson, who is retiring. Previously medical officer of health for Pudsey Borough and adjoining districts, Dr. Murdock has held his present post since 1951. From 1944 to 1947 he served with the R.A.M.C., and in 1948-9 held a research fellowship at Toronto.

RESIGNATION

Commander W. K. Wood, deputy clerk of Wiltshire County Council and deputy clerk of the peace since 1948, is resigning from his position and entering private practice as a solicitor. Commander Wood was previously senior assistant solicitor to the Gloucestershire County Council.

OBITUARY

His Honour Cecil William Lilley, died on April 1 at the age of seventy-five. He had been a county court judge since 1934 when he succeeded the late Judge Cluer at Shoreditch and Whitechapel. He was transferred to Marylebone in 1940 and remained at that court until his retirement in 1945. Called to the Bar by the Middle Temple in 1900, he was made a Bencher of his Inn in 1932.

His Honour Judge Howel Walter Samuel, Q.C., died at Swansea on April 5 at the age of seventy-two. Called to the Bar by the Middle Temple in 1915, he practised on the South Wales Circuit, and took silk in 1931. From 1930 to 1933 he was Recorder of Merthyr Tydfil and in 1933 became a county court judge.

GRAVEN IMAGES

The present wave of crime, and the increasing vigilance of public and police in checking suspicious behaviour, can sometimes have curious results and may lead even law-abiding people into trouble. Such a case occurred recently in Mill Hill, Middlesex. A car was seen driving through the district with two unclothed human legs protruding from the luggage-boot at the rear. There was something horribly lifeless and sinister about the appearance of these appendages that caused several public-spirited citizens to rush to the nearest telephone and put through an emergency-call to the police, notifying the make and number of the car, the direction in which it was travelling and details of the gruesome objects which had aroused their suspicions. In due course the guardians of law and order traced the nefarious vehicle and, after an exciting chase, overtook and stopped it. With bated breath, and notebook and pencil poised, they opened the repository of horrors and found—a tailor's dummy.

This anti-climax is worth recording, not for the purpose of casting aspersions on the police or denigrating the watchful caution of the civil population, but solely to demonstrate the risks attendant upon apparently innocuous activities. The recent case calls to mind the trouble caused, from time to time, by absent-minded medical students who have been known to leave odd bones, and other portions of the subjects left with them for dissection, lying about in inconvenient places ; and even by respectable archaeologists who have been called upon to account for the presence of a human skeleton found, in equivocal circumstances, in a shed in some remote spot—a relic which turns out, on investigation, to be anything up to five thousand years old. Those who regard a sinister interpretation of such finds as too far-fetched to merit serious consideration may come to a different conclusion after reading R. Austin Freeman's brilliant novel, *A Savant's Vendetta*, which achieves verisimilitude in its description of the hunting down and killing of a number of criminals by a practical anthropologist who, secure in his laboratory, turns their bony structures into articulated skeletal specimens, and preserves the deossified heads, shrunken to a convenient size, in velvet-lined cases for his elaborately-docketed collection.

Elegant parerga of this kind, however, are a matter for the expert ; the man in the street can do no more than apply his ingenuity to the resources with which he is by nature endowed. A day or two before the episode at Mill Hill, described above, a converse case was brought before the magistrates at Brentford, Middlesex. There was on this occasion no hoaxing of public and police into mistaking a lay-figure for a human body ; but the story of a live man masquerading as a dummy and thereby bringing himself into conflict with the law. The offender had sought to turn an honest penny by standing stock-still in a tailor's shop-window, in that attitude of smug complacency which one associates with the real article, displaying a brand-new suit of ready-made clothes ; this in itself would have caused little notice in a crowded High Street, had he not from time to time so far relaxed his stiff and lifeless pose as to wink knowingly at the passers-by. So successful did these tactics prove that a crowd of about a hundred people collected outside the shop, causing an obstruction of the footway and preventing the citizens of Hounslow from going about their lawful occasions. An excess of publicity, even for a retail business, can sometimes have anti-social effects, and the conviction and fining of the illusionist, and of the shopkeeper for aiding and abetting, constituted a harsh but salutary lesson.

This is not the first time that such inopportune exhibitions have had legal repercussions. In 1894 public excitement was aroused by a famous Scottish murder trial in which the case against the accused man resulted in a verdict of " not proven." The management of Madame Tussaud's seized upon the opportunity afforded by the topical interest of the case, and set up, in their Chamber of Horrors, a waxen effigy of the accused. He took proceedings for defamation and successfully pleaded that the exhibition constituted a libel upon him, for which heavy damages were recoverable (*Monson* v. *Tussaud's, Ltd.* [1894] 1 Q.B. 67).

The artistic urge to reproduce the human form in wood, metal or stone has found expression in almost every type of civilization from the earliest times. The wonderful works of the ancient craftsmen of Asia Minor—Sumerians, Babylonians and Assyrians ; the awe-inspiring statues of the Indus Valley ; the exquisite sculptures of the Chinese ; the masterpieces of Greek and Egyptian plastic art, are rivalled by the skilled craftsmanship of the Incas and the Aztecs of America and even of the primitive peoples of the Polynesian Archipelago. The biblical injunction against the making of " graven images " has found literal acceptance only among the Jews and the Moslems, whose teachings rigidly exclude (at any rate from places of worship) all representations of both human and animal forms. Christian tradition has followed a different line, and the magnificent works of statuary produced by mediaeval artists, no less than those of the great masters of the Italian Renaissance, bear witness to the profound consciousness of physical beauty with which they were inspired.

For all that, side by side with the skill that can catch and hold the living human form in granite and marble, alabaster and ivory and bronze, there is always something definitely uncanny about statues, effigies and images, and their poor relations—puppets, lay-figures and dolls. It is almost as if the craftsman, striving for verisimilitude, feels he has succeeded only too well and is terrified of the works his own hands have created. For forty centuries at least lay-figures and puppets have been associated, not only with the innocent games of children, but also with the sinister designs of sorcery ; the waxen image, stuck with pins or roasted over a slow fire, has figured in many a witchcraft trial as evidence of black and secret rites inducing pain, wasting and death in the living body of the victim. Legend, too, finds a fascination in the subject ; rarely is the *dénouement* a happy one. Pygmalion the sculptor, it is true, won his heart's desire, when the goddess Aphrodite at his prayer breathed life into the ivory Galatea he had fashioned ; and in *The Winter's Tale* Leontes found the living Hermione in the still form he had believed to be her image. But more often the story is a gruesome one—a variation perhaps of the legend of Frankenstein, who falls a victim to the synthetic monster of his own making ; or of the libertine Don Juan, who challenges the statue of the man he murdered to come and sup with him and is dragged down, living, in its marble embrace, to Hell. Nobody who has watched this scene enacted on the operatic stage, in Mozart's greatest musico-dramatic work, and experienced the " dreadful joy " (as Shaw has called it) of the " two great chords on syncopated waves of sound " which accompany the final catastrophe, can look again upon effigy or image without an uneasy consciousness of the life that may lie latent in wax or stone, ready to show itself to the unwary in some threatening movement of those stiff, ungainly limbs.

A.L.P.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Children and Young Persons—*Contribution Order—Recovery of arrears—Venue where person liable moves after warrant issued but before execution.*

A parent living within the area of my county council is in arrear with contributions towards three of his children committed to the care of a local authority as a fit person. By virtue of s. 87 (4) of the Children and Young Persons Act, 1933, and s. 4 of the Bastardy Laws Amendment Act, 1872, owing to the inability of the police to serve a summons by reason of the parent's removal from his known address in petty sessional division B (whether before or after the complaint was made is not known), my county council applied for and obtained a warrant from the petty sessional division B, as the parent was presumed still to be living within that area. By s. 21 of the Criminal Justice Administration Act, 1914, the warrant was endorsed for bail, the person liable being bailed to appear before the petty sessional division B at the time and place specified on the warrant. When the warrant was executed it was found that the parent had moved to the area of petty sessional division D, also within the area of my county council.

In view of the proviso contained in the latter part of s. 87 (4) of the Children and Young Persons Act, 1933—limiting jurisdiction to the court of the area in which the defendant is for the time being residing—there is doubt whether the justices of the petty sessional division B have jurisdiction to deal with the complaint, as the parent is now residing in the area of petty sessional division D. Moreover the parent, having been bailed to appear before the justices of petty sessional division B may possibly make a fruitless journey to answer to his bail, if the justices decide they have no jurisdiction but that only the justices of the petty sessional division D have jurisdiction. In this event my council will be obliged to issue a further summons or warrant returnable in the petty sessional division of D.

It appears to me that it is necessary to consider whether, in the proviso to s. 87 (4) of the Children and Young Persons Act, 1933, the words "where the person liable is for the time being residing" should be applied at the time application was made either for the summons or the warrant, or on the execution of the warrant, or at the date of the hearing. In this connexion I would refer you to the questions and answers given in the following volumes: 99 J.P.N. 12—Adoption—Venue—Application; 103 J.P.N. 446—Contribution Order—Variation—Venue.

I should be glad of your opinion on the following points:

(1) In the circumstances outlined above, do you consider the justices of the petty sessional division B have jurisdiction to deal with the complaint and adjudicate?

(2) If the parent had moved to another county (*a*) would the justices of the petty sessional division of B have jurisdiction, and (*b*) would my council remain the proper authority to apply for an order in view of s. 86 (1) of the Children and Young Persons Act, 1933?

(3) In a case where a parent is known to have left his last known place of residence and cannot be traced, can a warrant be issued by the petty sessional division for the area of his last known place of residence. If so, on his arrest, even if he be found some 100 miles from the division issuing the warrant, have the justices of that division jurisdiction to hear the complaint and adjudicate?

(4) In a case where a parent resides in the petty sessional division of C and that division issue a warrant but the parent, before the execution of the warrant, has moved to another petty sessional division within the same county and is arrested on the warrant, would the petty sessional division of C have jurisdiction, having regard to the fact that the warrant specified that the parent should attend at a time and place within their area? S. ROWOD.

Answer.

(1) Yes, because so far as could be ascertained the defendant was resident within division B and the warrant was lawfully issued. The fact that a person's whereabouts cannot be ascertained with certainty should not prevent the issue of process, as if that were so it might be possible to prevent the issue of process altogether.

(2) (*a*) We think so, for the reason given above so far as the court is concerned with the matter of complaint for arrears in respect of which the warrant was issued.

(*b*) If it is a question of applying for some fresh contribution order, we should say not, looking at ss. 86 (3) and 87 (4) we think the words "for the time being" mean "from time to time" so as to meet cases of change of residence.

(3) In our opinion, yes, for the reasons stated in (1), *supra*.

(4) Inasmuch as justices for a county have jurisdiction throughout the county, we think the C justices could deal with the case if the defendant appeared before them, but the difficulty is that the police would probably feel bound to act strictly in compliance with the terms of the warrant.

Generally, we are aware that it is not difficult to support a different point of view, but we have based ours upon the principle that the law should not be ineffective if it can possibly be made to work.

2.—Highways—*Dedication—Acceptance without conveyance.*

A county council having succeeded to the powers of a highway board may, under ss. 47 and 48 of the Highway Act, 1864, accept a dedication of land to widen a road without taking a formal conveyance of the land from the owner thereof: *Encyclopaedia of Forms and Precedents*, vol. 7, form 37. What parallel provision is available to an urban district council? P. ABA.

Answer.

The Public Health Act, 1875, s. 146, or s. 154, or s. 67 of the Towns Improvements Clauses Act, 1847.

3.—Highway—*Level crossing—Increase of traffic.*

An urban district council are constructing a housing scheme which lies close to a railway, and is adjacent to a road which crosses the railway at an uncontrolled level crossing. By reason of the housing scheme the volume of traffic and pedestrians using the road will be greatly increased. Under s. 47 of the Railway Clauses Consolidation Act, 1845, the railway company is under an obligation to provide a controlled crossing in respect of a turnpike road or public carriage road. In the book of reference to the local Act dated 1872 the road in question is described as a "public road." The Act gives power to the railway company to cross, stop up or alter roads and highways. Your opinion would be appreciated on the following queries:

(*a*) If it could be established that at the time of the passing of the local Act the road was in fact a "public carriage road" would British Railways be under any obligation to provide either a controlled crossing or a bridge over the railway?

(*b*) Are there any other means by which British Railways could be compelled to provide a bridge or controlled crossing? CORT.

Answer.

We doubt, looking to the decision of the House of Lords in *A.G. v. Great Northern Railway Co.* (1916) 80 J.P. 337, whether the suggested change can now be insisted on: *cp.*, though it is a different point, *Copps* v. *Payne* [1950] 1 All E.R. 246; 114 J.P. 118.

4.—Highway—*Private street in urban district—County council as frontager.*

The county council as local education authority is the owner of many pieces of land in non-county boroughs and urban districts, which have frontages to roads which have not been taken over by the highway authorities. It is not uncommon for a district council to approach the county council, and ask the latter to agree to pay a contribution towards the cost of making up the road on the understanding that after the work has been done it will be taken over. Other frontagers to the same road receive such a notice. On the other hand, there are occasions when the county council is the only frontager concerned.

I shall be glad to know if you feel that the county council is at liberty to come to arrangements with local authorities in these cases, or if it is bound to await service of a notice, *e.g.*, under s. 150 of the Public Health Act, 1875, before paying for any such work. The first mentioned procedure has its advantages in that the county council can agree to contribute subject to supervision by its own officers, and in some cases it may be desirable in the interests of both authorities to make up such a road in a slightly different position, or in a slightly different way, *e.g.*, by omitting a verge or a footpath, than would otherwise have been done, thereby saving the county council expense. POW.

Answer.

The county council are liable for the street works as frontagers under s. 150 of the Public Health Act, 1875, or the Private Street Works Act, 1892, whichever is in force. Frontagers may make up private streets themselves whether dedicated as highways or not and when they are made up to the satisfaction of the highway authority and also, in the case of those not dedicated, after dedication, they may be adopted by the highway authority under the above Acts. The frontagers may also, of course, employ contractors to do the work for them but we know of no power for them to employ the highway authority to do the work except under s. 146 of the Act of 1875 and in our opinion this is only appropriate to private streets not yet dedicated; the section has, however, been used for both classes of private streets.

In the case of a private street which is already dedicated as a highway, s. 150 of the Act of 1875 or the Private Street Works Act, 1892, as the case may be, should be invoked, at any rate where there are other frontagers. An agreement with the county council alone might give rise to suspicions of preferential treatment.

5.—Land—*Abandoned house—Suggested compulsory purchase.*

The owner-occupier of a private dwellinghouse in this urban district of a rateable value of £16 disappeared from the house and district approximately two years ago. Diligent inquiries as to his whereabouts have been made but without success. Indeed, although the owner is in arrear with rates for the past eighteen months the police have been unable to serve a summons after making extensive inquiries. A small amount of furniture is still in the property which otherwise is unoccupied. The house both inside and outside is in an appalling state of disorder due to neglect, although the house is but nineteen years old. The window frame on the ground floor at the back of the house has fallen out giving access to the house, rubbish is strewn about the back garden, and both front and back gardens are uncultivated and overgrown with weeds. The privet hedge at the front has grown very high and over-hangs and obstructs the pavement. The police have visited the house on several occasions and are still doing so with the object of preventing any thefts or further damage. The house is in an avenue and the other occupiers are indignant at the state of the house and garden. Application has been made to the Ministry of Housing and Local Government for the delegation of powers to requisition the house but the Ministry state that in view of the terms of circular 23/52 they are not prepared to issue a delegation.

Will you kindly advise whether the house can be acquired by the council by means of a compulsory purchase order bearing in mind that the owner cannot be traced, and a small amount of furniture is still in the house. ADID.

Answer.

The council's general power of acquiring land, either by agreement or compulsorily, under s. 157 of the Local Government Act, 1933, is only for the purpose of their functions ; it is not suggested in the query that the council want this property for such a purpose. We should agree that " requisitioning " (*i.e.*, taking possession under emergency powers) was not here appropriate. Section 58 of the Public Health Act, 1936, might be considered if the facts warrant it, with s. 285 for service of the court's order.

6.—Probation—*Commission of further offence—Criminal Justice Act 1948, s. 8 (5)—Expenses of witness proving identity of defendant.*

It is necessary to prove the previous conviction of a probationer to deal with him under s. 8 (5) Criminal Justice Act, 1948. To do this, evidence of identity as well as a certificate of conviction is needed. How can the costs of a witness to prove identity be met ? The Costs in Criminal Cases Act does not appear to apply. SUPA.

Answer.

In our opinion, the court has no power to make any order for the payment of such expenses out of local funds, since the wording of s. 1 (1) (*b*) of the Costs in Criminal Cases Act, 1908, does not seem to include a court acting under s. 8 (5) of the Criminal Justice Act, 1948. Presumably the police will, if necessary, call the witness and will have to bear the expense. However, identity is rarely a matter of dispute in this type of case, because the defendant generally admits the fact.

7.—Public Health Act, 1936, s. 138 (6)—*Defective water pipe.*

A complaint has been received from the tenant of a house in this rural district that because of two bursts in a water pipe serving his house and the adjoining house, it is not possible to obtain a supply of water indoors except by operating the stop tap in the yard adjoining the houses. The houses concerned are two of a block of four and are all in one ownership. A plan showing the position of the houses and the line of the water pipes is enclosed.

Despite a number of requests by the council the owner of the property has failed to have the pipe repaired, the reason being given that frequent bursts have occurred in recent years which the owner attributes to an increase in water pressure to enable newer houses in the area to be supplied. The water undertakers do not accept this contention.

The council are desirous of taking action to cause the owner to repair the pipe, and are considering whether it is possible to achieve this by using the powers contained in s. 138 (6) of the Public Health Act, 1936. I am, however, in doubt as to whether this subsection can be applied. The presence of the words " under this section " in subs. (6) seems to me to restrict the use of the subsection to those cases where water pipes in need of repair or renewal were originally laid pursuant to notice under s. 138. In the case under consideration the pipes were laid many years ago and the supply was not afforded pursuant to that section.

The note (*a*) following the subsection in *Lumley's Public Health*, 12th Edn., Vol. III, p. 2600, states :

" (*a*) see definition of ' house ' in s. 343 (1), *post*, p. 2870, but note that the supply must be under the provisions of this section and not in every case where there is a common pipe."

I should appreciate your opinion as to whether the council could properly use s. 138 (6) in the circumstances described. If your answer is in the negative, perhaps you would indicate any power that is available to the council to ensure that the pipe is repaired. PUR.

Answer.

We agree that s. 138 (6) of the Act of 1936 is limited to pipes provided under that section. The mischief seems one rather for the water undertakers to deal with.

8.—Road Traffic Acts—*Pillion passenger on motor cycle—Application of s. 16, 1930 Act to motor cycle with tradesman's " sidecar " attached.*

A is driving a motor cycle which has a sidecar attached. The sidecar is of the box type and at the time in question was laden with a ladder and some paints (A is a painter and decorator and has the vehicle properly authorized to carry the goods of his trade).

B is seated on the mudguard of the motor cycle, sitting astride, but he is not sitting on a properly constructed seat, though he is behind the driver.

A has been fined £2 for driving a motor cycle combination and carrying a passenger otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat, contrary to s. 16 of the Road Traffic Act, 1930.

Now, as I read the Road Traffic Act, s. 16 expressly states, " It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, and I cannot find anything which says that a motor cycle combination has two wheels.

You will perhaps be able to quote some regulation or case law to correct me when I maintain that A was wrongly fined. JUJU.

Answer.

We can find no definition of " sidecar," and, in the absence of any provision to the contrary we think that the contraption described in the question is a sidecar. By s. 2 (4) (*c*) 1930 Act a sidecar attached in the prescribed way (*see* reg. 94 Construction and Use Regulations, 1951) forms part of the motor cycle. If it is so attached the motor cycle thus becomes a three-wheeled vehicle and, in our view, s. 16 does not apply to it.

HAMPSHIRE COMBINED PROBATION AREA

Appointment of a Full-time Female Probation Officer

APPLICATIONS are invited from persons who have had experience and/or training as Probation Officers for the appointment of a Full-time Female Probation Officer for the above area. The successful applicant will be required to act and live in the Aldershot area. Candidates must be not less than twenty-three nor more than forty years of age (except in the case of serving officers).

The appointment and salary will be in accordance with the Probation Rules and the salary will be subject to superannuation deductions.

Applications, giving particulars of age, education, present salary, qualifications and experience, with the names and addresses of not more than three persons to whom reference may be made, should be submitted to the undersigned not later than April 20, 1953. Canvassing, either directly or indirectly, will be a disqualification.

G. A. WHEATLEY,
Clerk to the Probation Committee.

The Castle,
Winchester.
March 31, 1953.

CITY OF CARDIFF

Assistant Prosecuting Solicitor (Police)

APPLICATIONS are invited from qualified solicitors for the appointment of Assistant Prosecuting Solicitor (Police) in my department in A.P.T. Grade 7 (£710×£25—£785). General Conditions of Appointment are obtainable from me.

Applications for the appointment, accompanied by the names and addresses of three referees, should reach me not later than April 24, in envelopes endorsed "Assistant Prosecuting Solicitor."

S. TAPPER-JONES,
Town Clerk.

City Hall,
Cardiff.

LINCOLNSHIRE (KESTEVEN) MAGISTRATES' COURTS COMMITTEE

Appointment of Justices' Clerk's Assistant

THE Committee invite applications for the appointment of a whole-time assistant to the Clerk to the Justices for the Borough of Grantham and the Spitalgate Petty Sessional Division. Salary (subject to the concurrence of the Local Authorities concerned and the approval of the Home Office) £495 rising by annual increments of £15 to £540. Applicants should be competent typists and capable of carrying out all the work of a Justices' Clerk's office with the minimum of supervision.

The appointment will be superannuable and subject to a medical examination.

Applications, giving age and experience, and the names of two referees, should be sent to the undersigned to be received by April 22, 1952.

J. E. BLOW,
Clerk of the Committee.

County Offices,
Sleaford.

METROPOLITAN BOROUGH OF BETHNAL GREEN

Law Clerk (Female)

APPLICATIONS are invited for the permanent appointment on the pensionable staff of the Town Clerks Department of a Law Clerk (Female).

Salary scale £495 rising by annual increments to £540 inclusive of London Weighting (A.P.T. I).

Applicants must not be over forty years of age and be competent Shorthand Typists with several years' experience in a solicitor's office or legal section of a local authority. They should be accustomed to draw simple legal documents under supervision.

Some knowledge of conveyancing, local land charges and contracts will be an advantage.

Alternative Saturdays. Thirty-eight hour week. Canteen facilities. Applications, on the prescribed form which contains full particulars and is obtainable from my office, to reach me not later than twelve noon on April 25, 1953.

F. H. BRISTOW,
Town Clerk.

Town Hall, E.2.

BOROUGH AND COUNTY OF THE TOWN OF POOLE MAGISTRATES' COURTS COMMITTEE

Appointment of Justices' Clerk

APPLICATIONS are invited from properly qualified persons in accordance with the Justices of the Peace Act, 1949, for the whole-time appointment of the Clerk to the Justices for this Borough.

Poole has a population of about 83,000.

The personal salary will be £1,500 per annum, subject to review upwards when the results of the present negotiations concerning Justices' Clerk's salaries are known.

The appointment will be superannuable and may be terminated by three months' notice on either side.

The Clerk will be required to take up his duties on or about July 1, 1953.

Applications, giving qualifications, age and experience, and the names of two persons to whom reference can be made, should be sent to me not later than May 9, 1953.

W. G. GRANGER,
Clerk of the Committee.

Magistrates' Clerk's Office,
7 Parkstone Road,
Poole, Dorset.

CITY OF PLYMOUTH

Appointment of Female Probation Officer

APPLICATIONS are invited for the above whole-time appointment. Applicants must be not less than twenty-three nor more than forty years of age, except in the case of serving officers. The appointment will be subject to the Probation Rules, 1949 to 1952, and would be superannuable, the successful candidate being required to pass a medical examination.

Applications, stating age, qualifications and experience, together with not more than three recent testimonials, must reach the undersigned not later than April 24, 1953.

EDWARD FOULKES,
Secretary of the Probation Committee.

Greenbank,
Plymouth.
April 7, 1953.

WARWICKSHIRE COUNTY COUNCIL

Senior Assistant Solicitor

APPLICATIONS are invited from solicitors with previous Local Government experience for the appointment of Senior Assistant Solicitor in the office of the Clerk of the Peace and of the County Council.

The salary will be in accordance with Scale E of the Joint Negotiating Committee for Chief Officers of Local Authorities scales, *viz.*, £1,250 rising by annual increments of £50 to a maximum of £1,450.

The appointment, which will be terminable by three months' notice on either side, will be subject to the provisions of the Local Government Superannuation Act, 1937, and the successful applicant will be required to pass a medical examination.

Applications, on forms to be obtained from the Clerk of the Council, Shire Hall, Warwick, accompanied by copies of three recent testimonials, must reach the undersigned not later than April 27, 1953. Canvassing in any form will disqualify.

L. EDGAR STEPHENS,
Clerk of the Council.

Shire Hall,
Warwick.
March 30, 1953.

COUNTY BOROUGH OF DARLINGTON

Appointment of Justices Clerk

APPLICATIONS are invited from Solicitors qualified in accordance with the Justice of the Peace Act, 1949, for the whole-time appointment of Clerk to the Darlington County Borough Magistrates, with an approximate population of 85,000.

The personal salary will be £1,300 per annum subject to review when the National Scales for Justices Clerks are negotiated.

The appointment which may be terminated by three months' notice on either side is superannuable and subject to medical examination. The Clerk appointed will be required to take up his duties within three months of the date of appointment or earlier if possible.

Applications, stating age, qualifications and experience, together with the names of two referees, should be delivered to my office not later than fourteen days after the first appearance of this advertisement. Canvassing will disqualify.

K. B. DRENNAN,
Clerk to the Magistrates' Courts Committee.

10, Houndgate,
Darlington,
Co. Durham.

BOROUGH OF DUNSTABLE

LEGAL and Committee Clerk required. Salary commencing at £555 per annum A.P.T. Grade IV. Particulars of duties and information required should be obtained from the Town Clerk, Municipal Offices, Dunstable, Beds, to whom also completed applications must be delivered by April 27, 1953.

JACK SMITH, Town Clerk.

Municipal Offices,
Dunstable.

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